

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Arquest, Inc.,

Plaintiff,

- against -

Kimberly-Clark Worldwide, Inc.,

Defendant.

Case No. 07-CV-11202 (CM)

**NOTICE OF MOTION AND MOTION FOR *PRO HAC VICE*
ADMISSION OF JANICE V. MITRIUS, ESQ.**

PLEASE TAKE NOTICE THAT upon the accompanying Declaration of Janice V. Mitrius, Esq., Gregory W. Gilliam (Movant), a member in good standing of the Bar of the State of New York, and an attorney admitted to practice before the United States District Court for the Southern District of New York, and of Venable LLP, hereby moves this Court to enter an order permitting Janice V. Mitrius, a partner with the law firm of Banner & Witcoff, LTD., to practice *pro hac vice* before the United States District Court for the Southern District of New York to represent Kimberly-Clark Worldwide, Inc. in the above-captioned matter, pursuant to Local Rule 1.3(c). In support of this Motion, movant states as follows:

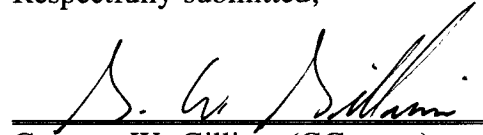
1. Janice V. Mitrius is a member of the law firm of Banner & Witcoff LTD., 10 South Wacker Drive, Suite 3000, Chicago, IL 60657 (telephone 312-463-5000).

2. Janice V. Mitrius is and has been a member in good standing of the Bar of Illinois.
3. Janice V. Mitrius is and has been admitted to practice before the Illinois Supreme Court, The United State Supreme Court, The Northern District of Illinois, The U.S. Court of Appeals, 7th Circuit, the Eastern District of Wisconsin and the U.S Court of Appeals, Federal Circuit.
4. Janice V. Mitrius has never been held in contempt of court, nor has she ever been censured, suspended or disbarred by any court.
5. Janice V. Mitrius has read and is familiar with (a) the provisions of the Judicial Code (Title 28 U.S.C.), which pertains to the jurisdiction of, and practice in, the United States District Courts; (b) the Federal Rules of Civil Procedure; (c) the Federal Rules of Evidence; (d) the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York; (e) the New York State Lawyer's Code of Professional Responsibility as adopted from time to time by the Appellate Divisions of the State of New York; and (f) the code of Professional Responsibility of the American Bar Association.
6. If admitted to practice before this Court, Janice V. Mitrius will faithfully adhere to all rules applicable to her conduct in connection with her activities representing Kimberly-Clark Worldwide, Inc. in this matter.
7. No prior motion to admit Janice V. Mitrius has been made in this matter.
8. Janice V. Mitrius agrees to pay the fee of \$25.00 upon approval by this Court admitting Janice V. Mitrius to practice *pro hac vice*.

Therefore, Movant respectfully requests that for the foregoing reasons, this Court enter an Order permitting Janice V. Mitrius, Esq. to appear as counsel for Kimberly-Clark Worldwide, Inc. *pro hac vice* in the above-captioned matter.

DATED this 31st day of January, 2008.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "G. W. Gilliam", is written over a horizontal line.

Gregory W. Gilliam (GG-2857)

VENABLE LLP

The Chrysler Building

405 Lexington Ave, 61st Floor

New York, New York 10174

Telephone: (212) 983-1231

Counsel for Kimberly-Clark Worldwide Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Arquest, Inc.,

Plaintiff

V.

Kimberly-Clark Worldwide, Inc.,

Defendant

Case No. 07 CV 11202 (CM)

DECLARATION OF JANICE V. MITRIUS, ESQ.
IN SUPPORT OF MOTION FOR *PRO HAC VICE* ADMISSION

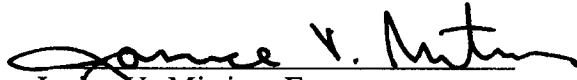
I, Janice V. Mitrius, Esq., hereby declare:

1. I am a member of the law firm of Banner & Witcoff, LTD., 10 South Wacker Drive, Suite 3000, Chicago, IL 60657 (telephone 312-463-5000).
2. I am and have been a member in good standing of the Bar of Illinois.
3. I am and have been an attorney admitted to practice before the Illinois Supreme Court, The United State Supreme Court, The Northern District of Illinois, The U.S. Court of Appeals, 7th Circuit, the Eastern District of Wisconsin and the U.S Court of Appeals, Federal Circuit.
4. I have never been held in contempt of court, nor have I ever been censured, suspended or disbarred by any court.
5. I have read and am familiar with (a) the provisions of the Judicial Code (Title 28 U.S.C.), which pertains to the jurisdiction of, and practice in, the United States District Courts; (b) the Federal Rules of Civil Procedure; (c) the Federal Rules of Evidence; (d) the Local Rules of the United States District Courts for the Southern and Eastern Districts of

New York; (e) the New York State Lawyer's Code of Professional Responsibility as adopted from time to time by the Appellate Divisions of the State of New York; and (f) the code of Professional Responsibility of the American Bar Association.

6. If admitted to practice before this Court, I will faithfully adhere to all rules applicable to my conduct in connection with my activities representing BUSINESS in this matter.
7. No prior motion to admit me has been made in this matter.
8. I agree to pay the fee of \$25.00 upon approval by this Court admitting me to practice *pro hac vice*.
9. I respectfully submit to this Court that I meet all of the requirements for *pro hac vice* admission to practice before this Court in this matter and, for all of the foregoing reasons, should be so admitted to be able to represent Kimberly-Clark Worldwide Inc. in this matter.
10. I declare under the penalty of perjury under the laws of the United States of America, and pursuant to Fed. R. Civ. P. 11, that the foregoing is true and correct.

Executed this 25 day of January 2008.



Janice V. Mitrius, Esq.

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Banner & Witcoff, LTD.

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Chicago, IL 60606

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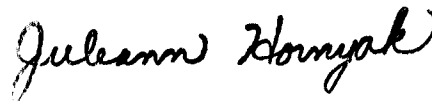
Certificate of Admission To the Bar of Illinois

I, Juleann Hornyak, Clerk of the Supreme Court of Illinois, do hereby certify that

Janice V. Mitrius

has been duly licensed and admitted to practice as an Attorney and Counselor of Law within this State; has duly taken the required oath to support the CONSTITUTION OF THE UNITED STATES and of the STATE OF ILLINOIS, and also the oath of office prescribed by law, that said name was entered upon the Roll of Attorneys and Counselors in my office on November 6, 1997 and is in good standing, so far as the records of this office disclose.

In Witness Whereof, I have hereunto
placed my hand and affixed the seal
of said Supreme Court, at Springfield,
in said State, this Friday, January 11, 2008.

A handwritten signature in black ink, reading "Juleann Hornyak". The signature is written in a cursive, flowing style.

Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Arquest, Inc,

Plaintiff,

- against -

Kimberly-Clark Worldwide, Inc.,

Defendant

Case No. 07-CV-11202 (CM)

**[PROPOSED] ORDER GRANTING MOTION FOR
PRO HAC VICE ADMISSION OF JANICE V. MITRIUS, ESQ.**

This matter having come before the Court on the application of Janice V. Mitrius, counsel for Kimberly-Clark Worldwide, Inc., to practice before this Court *pro hac vice*, in representing Defendant Kimberly-Clark Worldwide, Inc., and the Court having reviewed these pleadings and being fully advised thereon:

IT IS HEREBY ORDERED that motion should be and hereby is GRANTED, and Janice V. Mitrius is hereby admitted *pro hac vice* before this Court on this matter.


SO ORDERED.

Dated: February ___, 2008.

United States District Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of February, 2008 a copy of the foregoing Notice of Motion and Motion for *Pro Hac Vice* Admission of Janice K. Mitrius, Esq. and Declaration of Janice K. Mitrius, Esq. in Support of Motion for *Pro Hac Vice* Admission were sent by first-class mail to all counsel addressed below.



Gregory W. Gilliam

TO:

Brian Douglas Siff, Esq.
Peter Lambrianakos, Esq.
Richard LaCava, Esq.
Dickstein Shapiro LLP
1177 Avenue of the Americas
New York, NY 10036-2714